

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

AMERICAN CIVIL LIBERTIES
UNION, *et al.*,

Plaintiffs,

v.

FEDERAL BUREAU OF
INVESTIGATION, *et al.*,

Defendants.

11 Civ. 7562 (WHP)

ECF Case

DECLARATION OF JOHN D. CLOPPER

John D. Clopper declares pursuant to the provisions of 28 U.S.C. § 1746 as follows:

1. I am an Assistant United States Attorney in the Office of Preet Bharara, United States Attorney for the Southern District of New York, attorney for the defendants Federal Bureau of Investigation (“FBI”) and United States Department of Justice (“DOJ”) (together, the “Government” or the “United States”) in the above-captioned litigation. I respectfully submit this declaration in support of the Government’s Motion for Summary Judgment.

2. Attached to this declaration is a true and correct copy of an email from Patrick C. Toomey, Esq., American Civil Liberties Union to Assistant U.S. Attorneys John Clopper and Emily E. Daughtry, dated February 7, 2014.

Dated: New York, New York
April 4, 2014

/s/John Clopper
JOHN D. CLOPPER
Assistant United States Attorney

Clopper, John (USANYS)

From: Patrick Toomey <ptoomey@aclu.org>
Sent: Friday, February 07, 2014 11:43 AM
To: Daughtry, Emily (USANYS); Clopper, John (USANYS)
Cc: Alexander Abdo; Sarinsky, Michael R. (msarinsky@proskauer.com)
Subject: Section 215 FOIA

Categories: Section 215 FOIA

Emily and John,

We're writing to confirm our conversation with John yesterday, in which we explained that the ACLU has decided to limit its challenges to fully withheld opinions or orders of the Foreign Intelligence Surveillance Court that relate to bulk collection of any information (i.e., not just telephony metadata).

We'd be happy to discuss next steps with you at a convenient time.

Thanks,
Patrick

Patrick C. Toomey
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